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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/029,638	12/19/2001	John Bankier	E003-1101US0	5044

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EXAMINER	
TRUONG, LAN DAI T	
ART UNIT	PAPER NUMBER
2152	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/21/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/029,638	BANKIER ET AL.	
	Examiner	Art Unit	
	Lan-Dai Thi Truong	2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *03* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 January 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-56* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-56* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *19 December 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This action is response to communications: application, filed 12/19/2001; amendment filed 1/11/2007. Claims 1-56 are pending.

Response to Arguments

2. Applicant's arguments filed 01/11/2007 have been fully considered. Applicant's arguments to claim 33 with respect to the references fail to disclose a policy-based policy manger engine ... allowing users of the system to define message processing policies are persuasive; the office action is withdrawn

3. In response to applicant's arguments with respect to the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e. a recovery action on the state of a transaction at a failure) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Claim rejections-35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1 and 6-13 are rejected under 35 U.S.C 103(a) as being un-patentable over Lin et al. (U.S. 2002/0073211) in view of Frolund et al. (U.S. 6,381,617) and further in view of Kashyap (U.S. 2002/0087912)

Regarding to claim 1:

Lin discloses the invention substantially as claimed, including a method, which can be implemented in a computer hardware or software code for processing electronic transactions between a client and a server of a computer network, the method comprising:

Establishing a communications connection between the network client and the network server at an electronic transaction assurance (eTA) system: (Lin discloses method of establishing communications between "a web browser" which is equivalent to "the network client," "an application server" which is equivalent to "the network server" and "a webserver server" which is equivalent to eTA system": abstract; figure 6; [0028], lines 11-15)

Receiving a request message from the client at the eTA system, the request message relating to an aspect of the electronic transaction: (Lin discloses the webserver receives "web-browser's request" which is equivalent to "the request message" prior a connection will be made to one or more application server in order for the web browsers to access the application server for "online information service" which is equivalent to "the electronic transactions." The webserver monitors/ and records transaction states between the application server and the web browser: [0031], lines 5-16; [0030], lines 8-12; [0028], lines 11-15; [0066]-[0067])

Recording a state of the electronic transaction: (Lin discloses communication sessions are monitored, and the session information is sent to the state server as retaining records of session activities: [0028], lines 11-15)

Detecting that a failure has occurred with respect to the transaction: (Lin discloses state server used to monitor communications between application servers and users to detect/ and provide recovery for any detected fail connections between the application servers and the users: [0035])

Transmitting response in accordance with the recovery action, wherein the response message masks the failure; In term "masks the failure" referring to specification, page 31, means providing recovery action for the failure such as redirecting to another server; In analogous art, Lin disclose method for redirecting failed connection to another application server: (abstract)

However, Lin does not explicitly disclose determining whether an outcome of the transaction in relation to the request message has succeeded or failed;

In analogous art, Frolund discloses a three-tiered transaction processing system which detects transaction failures and provide recoveries for the transaction failures; therein, outcomes of transactions are detected to determine if transactions is successful or failed in order to provide an appropriate recovery actions: (abstract; figure 3, items 216, 222; column 3, lines 37-52, 63-64; column 6, lines 1-50; column7, lines 1-52)

However, Lin-Frolund does not explicitly discloses method for determining the actual state of the transaction at the failure; selecting an appropriate recovery action to recover from the failure

In term "the actual state of transaction" referring to specification, page 10, lines 3-24, means continuing fail transaction without requesting of resubmit/ restart from the beginning; in analogous art, Kashyap discloses method for determining failed state, so the failed connection is continued at the failed point: [0008]

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate Frolund's ideas of detecting transactions/outcomes failures in order to provide appropriate recovery actions and Kashyap's ideas of continuing failed connection at the failed point with Lin's system in order to provide an efficient transaction processing system which made highly available solutions for detected connection failures, see (Frolund: column 4, lines 1-12)

Regarding to claims 6 and 7:

In addition to rejection in claim 1, Lin-Frolund- Kashyap further discloses failure from error code in message and not receiving response message: (Frolund: figure 4, item 318)

Regarding to claims 8 and 10-13:

Those claims are rejected under rationale of claim 1

Regarding to claim 9:

In addition to rejection in claim 1, Lin-Frolund- Kashyap further discloses re-directing to another server for recovery action: Lin discloses method for recovering failure of a webserver by re-directing a process to another webserver: ([0035])

Claims 2-5 are rejected under 35 U.S.C 103(a) as being un-patentable over Lin-Frolund- Kashyap in view of Watson et al. (U.S. 5,991,750)

Regarding to claims 2-3:

Lin-Frolund- Kashyap discloses the invention substantially as disclosed in claim 1, but does not explicitly teach identifying a transaction type associated with the electronic transaction

In analogous art, Watson discloses method for associating transaction types and requesting types: (column 10, lines 10-67; column 11, lines 1-20; claim 13)

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Watson's ideas of associating transaction types and requesting types with Lin-Frolund- Kashyap's system in order to provide an efficient account manager system, see (Watson: column 3, lines 35-44)

Regarding to claims 4-5:

Those claims are rejected under rationale of claim 1

Claims 14-15 are rejected under 35 U.S.C 103(a) as being un-patentable over Lin-Frolund-Kashyap in view of Barker et al. (U.S. 6,065,017)

Regarding to claim 14:

Lin-Frolund-Kashyap discloses the invention substantially as disclosed in claim 1, but does not explicitly teach includes information descriptive state of the transaction

In analogous art, Barker discloses recorded transaction includes state descriptions: (abstract)

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Barker's ideas of including state description with Lin-Frolund-Kashyap's system in order to provide an efficient transaction processing system which made highly available solutions for detected connection failures, see (Frolund: column 4, lines 1-12)

Regarding to claim 15:

Lin-Frolund- Kashyap-Barker discloses a method as discuss in claim 14, which further includes, wherein the state capture process comprises capturing packets contained in electronic request messages from the client to the server and storing the packets with an identifier associated with a particular transaction between the client and the server: (Lin discloses "Session ID" which is equivalent to "identifier associated with transaction between the client and the server": figure5, item 510)

Claims 16-18 are rejected under 35 U.S.C 103(a) as being un-patentable over Lin-Frolund- Kashyap-Barker in view of Phaal (U.S. 6,138,159)

Regarding to claim 16:

Lin-Frolund- Kashyap- Barker discloses the invention substantially as disclosed in claim 14, but does not explicitly teach wherein the failure detection process comprises monitoring for a failure code that is embedded in a response message from the server, wherein the failure code indicates that a failure has occurred, see (Phaal discloses method for detecting failure in network upon on failure to respond within a predetermined period: column 2, lines 61-67)

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Phaal's ideas of determining whether the transaction in relation to the request message has succeeded or failed with Lin-Frolund- Kashyap-Barker's system in order to be able to discover the broken connection to provide connection failure recovery in order to process of client request without interrupt notwithstanding failure of individual host, see (Phaal: abstract, lines 1-10)

Regarding to claim 17:

Lin-Frolund- Kashyap-Barker discloses the invention substantially as disclosed in claim 14, but does not explicitly teach wherein the failure detection process comprises monitoring for a response message from the server and deeming that a failure has occurred if a response message is not received within a predetermined time span, see (Phaal discloses method for detecting failure in network upon on failure to respond within a predetermined period: column 2, lines 61-67)

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Phaal's ideas of determining whether the transaction in relation to the request message has succeeded or failed with Lin-Frolund- Kashyap-Barker's system in order to be able to discover the broken connection to provide connection failure recovery in order to process of client request without interrupt notwithstanding failure of individual host, see (Phaal: abstract, lines 1-10)

Regarding to claim 18:

Lin-Frolund- Kashyap-Barker discloses the invention substantially as disclosed in claim 14, but does not explicitly teach wherein the failure masking process comprises sending a response message to the client from the eTA system in the event of a failure, wherein the response message is the same response that the client would have received had the failure not occurred, see (abstract, lines 1-21)

Claims 19, 37-45 and 47-56, 21-32 are rejected under 35 U.S.C 103(a) as being un-patentable over Lin-Frolund-Kashyap-Barker in view of Watson et al. (U.S. 5,991,750)

Regarding to claim 19:

Lin-Frolund-Kashyap-Barker discloses a method as discuss in claim 14, which further includes Logging and reporting relevant information about the state and the message parameter of the electronic transaction: (Lin discloses log of transaction activities: [0028], lines 11-15)

Updating the transactions: (Barker: column 1, lines 45-67)

However, Lin-Frolund-Kashyap-Barker does not explicitly discloses identifying a transaction type and message parameters included in the received message, thereby defining electronic transaction to which the message relates

In analogous art, Watson discloses method for associating transaction types and requesting types: (column 10, lines 10-67; column 11, lines 1-20; claim 13)

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Watson's ideas of associating transaction types and requesting types with Lin-Frolund-Kashyap-Barker's system in order to provide an efficient transaction, recovery system, see (Frolund: column 4, lines 30-35)

Regarding to claims 37-43, 51-56 and 21-32:

Those claims are rejected under rationale of claim 19

Regarding to claims 44-45, 50:

Those claims are rejected under rationale of claim 19

Regarding to claims 47-49:

In addition to rejection in claim 43, Lin-Frolund-Kashyap-Barker-Watson further discloses wherein the eTA system includes multiple eTA nodes, see (Lin: abstract)

Claim 20 is rejected under 35 U.S.C 103(a) as being un-patentable over Lin-Frolund-Kashyap-Barker-Watson in view of Tanner et al. (U.S. 2002/0070976)

Regarding to claim 20:

Lin-Frolund-Kashyap-Barker-Watson discloses the invention substantially as disclosed in claim 14, but does not explicitly teach wherein the communications connection is a secure connection, see (Tanner discloses "secure channel" which is equivalent to "secure connection" used for transaction between user account and vendor account: [0051])

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Tanner's ideas of using secure channel for process transaction with Lin-Frolund-Kashyap-Barker-Watson t's system in order to provide secure network

Claim 46 is rejected under 35 U.S.C 103(a) as being un-patentable over Lin-Frolund-Kashyap-Barker-Watson in view of Shkedi (U.S. 6,832,207)

Regarding to claim 46:

Lin-Frolund-Kashyap-Barker-Watson discloses the invention substantially as disclosed in claim 37, but does not explicitly teach storing the transaction identifier comprises inserting information into the back end server database using an Internet cookie, see (Shkedi: column 4, lines 20-27)

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Shkedi's ideas of storing information is cookie with Lin-Frolund-Kashyap-Barker-Watson's system in order to be able to use the cookie as recognition message, see see (Shkedi: column 4, lines 20-27)

Claim 33 is rejected under 35 U.S.C 103(a) as being un-patentable over Lin et al. (U.S. 2002/0073211) in view of Kashyap (U.S. 2002/0087912) and further in view of Barker (U.S. 6,065,017)

Regarding to claim 33:

Lin discloses the invention substantially as claimed, including a system, which can be implemented in a computer hardware or software code for processing electronic transactions between a client and a server of a computer network, the method comprising:

A communications processor that receives electronic transaction messages over a computer network between a customer at a client node and a server node: (Lin discloses "a webserver" which is equivalent to "a communications processor" receives "web-browser's request" which is equivalent to "the request message" prior a connection will be made to one or more application server in order for the web browsers/the users to access the application servers for online information services" : [0031], lines 5-16; [0030], lines 8-12; [0028], lines 11-15; [0066]-[0067])

However, Lin does not explicitly discloses a policy providing conditions of failover

In analogous art, Kashyap discloses a fail-over policy: [0026]) or (20040230660: [0025])

However, Lin-Kashyap does not explicitly disclose policy-based policy manager engine allowing users of the system to define message processing policies

In analogous art, Barker discloses database recovery system is accessed and managed by a network administrator: (column 2, lines 15-21; column 7, lines 60-67; column 15, lines)

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate Kashyap's ideas of using fail-over policy for recovery connection failures and Barker's ideas of the recovery policy is defined by users with Lin's system in order to provide efficient recovery system, see (Kashyap, [0015])

Claim 34 is rejected under 35 U.S.C 103(a) as being un-patentable over Lin-Kashyap-Barker in view of Phaal (U.S. 6,138,159)

Regarding to claim 34:

Lin-Kashyap-Barker discloses the invention substantially as disclosed in claim 33, but does not explicitly teach if needed to keep the customer informed of any processing delays and keep the customer engaged in a message dialog to enhance the customer's interaction experience with an e-business Web site at the server node

In analogous art, Phaal discloses normally client computer directs communication to the assigned server, but if a failure condition of assigned server is detected, a new server is assigned to service the client computer: (abstract, lines 11-20)

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Phaal's ideas of determining whether the transaction in relation to the request message has succeeded or failed with Lin-Kashyap-Barker's system in order to be able to discover the broken connection to provide connection failure recovery in order to process of client request without interrupt notwithstanding failure of individual host, see (Phaal: abstract, lines 1-10)

Claims 35-36 are rejected under 35 U.S.C 103(a) as being un-patentable over Lin-Kashyap-Barker - Phaal in view of Wallach et al. (U.S. 6,292,905)

Regarding to claims 35-36:

Lin-Kashyap-Barker - Phaal discloses the invention substantially as disclosed in claim 34, but does not explicitly teach policy manager engine

In analogous art, Wallach discloses the replicated database to provide failure connection recovery rules: (column 5, lines 65-67; column 6, lines 1-10; figure 1, items 88a-88c)

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Wallach's ideas of using the replicated database to provide failure connection recovery rules with Lin-Kashyap-Barker - Phaal's system in order to provide to provide a improvement of performance of network such as uninterrupted connection, see (Wallach: column 2, lines 33-47)

The prior arts made of records and not relied upon are considered pertinent to applicant's disclosure. The following patents and publications are cited to further show the state of the art with respect to "Highly available transaction failure detection and recovery for electronic commerce transactions": 6018805; 6108700; 20020147797; 5287501; 6335972; 6249866

Conclusions

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lan-Dai Thi Truong whose telephone number is 571-272-7959. The examiner can normally be reached on Monday- Friday from 8:30am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob A. Jaroenchonwanit can be reached on 571-272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

03/18/2007

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